of the proviso to clause (2) of Article 368 thereof, proposed to be made by the Constitution (Thirty-first Amendment) Bill, 1973, as passed by the two Houses of Parliament."

The motion was adopted.

MR. DEPUTY SPEAKER: The House stands adjourned to meet tomorrow at 1 P.M.

The House adjourned at Fifty-Five minutes past Five of the lock to meet again at one of the clock on Wednesday, the 29th August 1973.)

ANNEXURE

THE MYSORE HOUSING BOARD (AMENDMENT) BILL, 1973.

(L. A. Bill No. 41 of 1973)

A BILL TO AMEND THE MYSORE HOUSING BOARD ACT, 1962.

WHEREAS it is expedient to amend the Mysore Housing Board Act, 1962 (Mysore Act 10 of 1963) for the purposes hereinafter appearing ;

BE it enacted by the Mysore State Legislature in the Twenty-fourth Year of the Republic of India as follows :--

1. SHORT TITLE AND COMMENCEMENT :—(1) This Act may be called the Mysore Housing Board (Amendment) Act, 1973.

(2) It shall come into force at once

2. AMENDMENT OF SECTION-2. – In section 2 of the Mysore Housing Board Act, 1962 Mysore Act 10 of 1963) (hereinafter referred to as the principal Act , after clause g) the following clause skall be inserted namely :—

"(G-i) Housing Commissioner" means the officer appointed under section 16 ,"

3. AMENDMENT OF SECTION 3.— In section 3 of the principal Act,—

(1) in sub-section (2) for the word "twelve", the word "fifteen" shall be substituted ;

(2) in sub-section (3), after the word "Board", the words "including the Chairman" shall be inserted.

4. SUBSTITUTION OF NEW SECTION FOR SECTION .— For section 6 of the principal Act, the following section shall be substituted, namely :—

"6. TERM OF OFFICE AND CONDITIONS OF SERVICE.— (1) The Chairman and every other member shall hold office during the pleasure of the State Government.

(2) Subject to the provisions of sub-section (1), the term of office of the Chairman and every other member shall ordinarily be for three years, but they shall be eligible for re-appointment.

(3) The Chairman and every other member shall receive such allowances as may be prescribed.

(4) The allowances to the Chairman and the other members shall be paid from the funds of the Board and such allowances and other conditions of service shall be such as may be prescribed."

5. AMENDMENT OF SECTION 7.—In section 7 of the principal Act,—

(1) for the words "If a member", the words "If the Chairman or any other member" shall be substituted;

(2) for the words "cease to be a member" the words "cease to be the Chairman or a member" shall be substituted;

6. AMENDMENT OF SECTION 8.—*In* sub-section (1) of Section 8 of the principal Act, for the words "Any vacancy of a member of the Board" the words "Any vacancy in the office of the Chairman or of a member" shall be substituted.

7. AMENDMENT OF SECTION 10.—In section 10 of the principal Act.—

(i) in sub-section (1), for the words "a Housing Commissioner, one or more Assistant Commissioner and such other officers", the words "and other officers", shall be substituted;

(ii) sub-section (2) shall be omitted

8. AMENDMENT OF SECTION 15. - In section 15 of the principal Act, in sub-sections (1) and (3), for the word "Chairman" the words "Housing Commissioner" shall be substituted.

9. OMISSION OF SECTION 16.—Section 16 of the principal Act shall be omitted.

10. INSERT ON OF NEW CHAPTER IIA --After Chapter II of the principal Act, the following Chapter and sections shall be inserted, namely:—

"CHAPTER III—A.

APPOINTMENT AND POWERS OF HOUSING COMMISSIONER

16. HOUSING COMMISSIONER.—The State Government shall appoint an officer not below the rank of a Deputy Commissioner to be the Housing Commissioner for the Board.

(2) The Housing Commissioner shall have all the powers of a major Head of the Department of the State Government under the Mysore Civil Services Rules for the time being in force as respect the officers and servants of the Board.

16A. SALARY OF THE HOUSING COMMISSIONER.—The Housing Commissioner shall receive such monthly salary and other allowances payable wholly by the Board as the State Government may from time to time determine.

16B. POWERS OF THE HOUSING COMMISSIONER.—The Housing Commissioner shall exercise such powers as are conferred on him by or under this Act or under any other law for the time being in force.

16C. LEAVE OF ABSENCE.—(1) The State Government may from time to time, in consultation with the Board, grant leave of absence for such period as it thinks fit to the Housing Commissioner.

(2) During any absence on leave or other temporary vacancy in the office of the Housing Commissioner the State Government may appoint a suitable person to act as Housing Commissioner. Every person so appointed shall exercise the powers and perform the duties conferred and imposed by or under this Act or by any other enactment for the time being in force on the Housing Commissioner and shall be subject to the same liabilities, restrictions and conditions to which the said officer is liable.

16 D. CONTRIBUTIONS FROM THE BOARD TOWARDS PENSION AND LEAVE ALLOWANCE OF HOUSING COMMISSIONER —The Board shall, unless specially exempted by the State Government, wholly or in part, contribute towards the pension and leave allowance of the Housing Commissioner to the extent directed by the State Government".

11. INSERTION OF NEW SECTION 70-A.—After section 70 of the principal Act, the following section shall be inserted, namely :—

"70-A. POWER OF BOARD TO REQUIRE RETURNS, REPORTS PRODUCTION OF DOCUMENTS.- (1) The Board may require the Housing Commissioner to furnish it with:—

(a) any return, statement, estimate, statistics or other information regarding any matter appertaining to the administration of this Act;

(b) a report on any such matter; and

(c) a copy of any document in his charge.

(2) The Housing Commissioner shall comply with every requisition without unreasonable delay."

12. AMENDMENT OF SECTION 71.—In section 71 of the principal Act, for the words "The Chairman or any person either generally or specially authorised by the Chairman", the words "The Housing Commissioner or any person either generally or specially authorised by him or the Board" shall be substituted.

1 . AMENDMENT OF SECTION 72. -In secton 72 of the principal Act.

(i) after the words "against the Board", a comma and the words "Housing Commissioner" shall be inserted, and

(ii) after the words "giving the Board", a comma and the words "Housing Commissioner" shall be inserted.

14. AMENDMENT OF SECTION 74.—In section 74 of the principal Act, in clause (a) sub-section (2), for the words "of members" the words "of the chairman and other members" shall be substituted.

15 AMENDMENT OF SECTION 81.—In section 81 of the principal Act, after the words "all members", the words "the Housing Commissioner" shall be inserted.

16. INSERTION OF NEW SECTION 83A.—After section 83 of the principal Act, the following section shall be inserted, namely :—

"83A. DELEGATION OF POWERS.—(1) The State Government may, by notification, delegate to the Housing Commissioner, such of the powers of the Board under this Act except the power to make regulations under section 76 or bye-laws under section 77, subject to such restrictions and conditions, as may be specified in the notification."

17. SUBSTITUTION OF NEW SECTION FOR SECTION 85.—For section 85 of the principal Act, the following section shall be substituted, namely :—

"85. REVISION BY THE STATE GOVERNMENT.—The State Government may call for the records of any proceedings of the Board, the Housing Commissioner or any officer subordinate to the Board, for the purpose of satisfying itself as to the correctness, legality or propriety of any order or proceeding and may pass such order with respect thereto as it thinks fit."

STATEMENT OF OBJECTS AND REASONS

In order to ensure better implementation of Mysore Housing Board Act, 1962, it is considered necessary to amend the Act, providing that—

(i) the number of members of the Board be increased to 15 from 12,

(ii the Chairman and other members shall hold office during the pleasure of the State Government instead of for three years;

(iii) the Housing Commissioner be appointed by the State Government instead of by the Board and invested with the powers of a Major Head of Department;

(iv) the Board's powers may be delegated to him, and

(v) investing revisional powers with the State Government in respect of certain matters.

Hence this Bill.

FINANCIAL MEMORANDUM

1. The allowances of the Chairman and other members of the Mysore Housing Board and also the salary of the Housing Commissioner are payable out of the funds of the Board.

2 The Bill does not involve any expenditure from the Consolidated Fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

CLAUSE 4.—Sub-sections (3) and (4) of the proposed section 6 empowers the State Government to prescribe by rules, the allowances payable to the Chairman and other members of the Board and also the conditions of service of the Chairman and other members.

CLAUSE 15.—Section 83A Sought to be inserted by this clause empowers the State Government to delegate by notification to the Housing Commissioner such of the powers of the Board under the Act except the power to make Regulations under section 76 or the by-laws under section 77, subject to such restriction and conditions as may be specified in the said notification.

The proposed delegation of legislative power is of a normal character.

B. BASAVALINGAPPA,

TE. HANUMANTAPPA
Secretary

WD 4 — GBPC — 550—26-4-74.